

Convention on Biological Diversity

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Informal Advisory Committee to the Access and Benefit-sharing Clearing-House Fifth meeting

Montreal, Canada, 13–15 February 2024

Item 3 of the provisional agenda*

Report on progress

Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing Fourth meeting

Montreal, Canada, 25–27 March 2024

Item 4 of the provisional agenda**

Review of general issues of compliance

Progress made on the implementation of the Nagoya Protocol on Access and Benefit-sharing and publication of information in the Access and Benefit-sharing Clearing-House

Note by the Secretariat

I. Introduction

1. To provide an update on progress made on the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity and the publication of information in the Access and Benefit-sharing Clearing-House, the Secretariat compiled data available in the Clearing-House, the interim national reports, national biodiversity strategies and action plans and the sixth national reports on the implementation of the Convention of the 140 States that were Parties to the Protocol as at 14 December 2023.
2. Given that the previous reporting deadline for the Protocol was November 2017 and that there are no recent official sources of information on its implementation, the present document also contains information recently collected by the Secretariat through its work on outreach and engagement with Parties to promote compliance with their information-sharing obligations under the Protocol.
3. To assist in measuring progress in implementation, the information from December 2023 is contrasted with that collected in March 2020,¹ with the caveat that, since then, 17 countries have become Parties to the Protocol, and that the two sets of data are therefore not exactly comparable.
4. Section II provides an overview of progress made by Parties in the implementation of the Protocol, including on establishing legislative, administrative or policy measures on access and benefit-sharing (ABS) and on establishing institutional structures, while progress made on the publication of national information in the ABS Clearing-House is covered in section III.

* CBD/NP/ABSCH-IAC/2024/1/1.

** CBD/NP/CC/4/1.

¹ The latter information was used to report to the Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing at its third meeting (21–23 April 2020).

II. Progress made by Parties in the implementation of the Nagoya Protocol

A. Legislative, administrative or policy measures on access and benefit-sharing

5. Parties are required to adopt legislative, administrative or policy measures on ABS under various articles of the Protocol.

6. According to the information available to the Secretariat up until 14 December 2023, 113 of 140 Parties to the Protocol (81 per cent) had ABS measures in place, divided as follows:

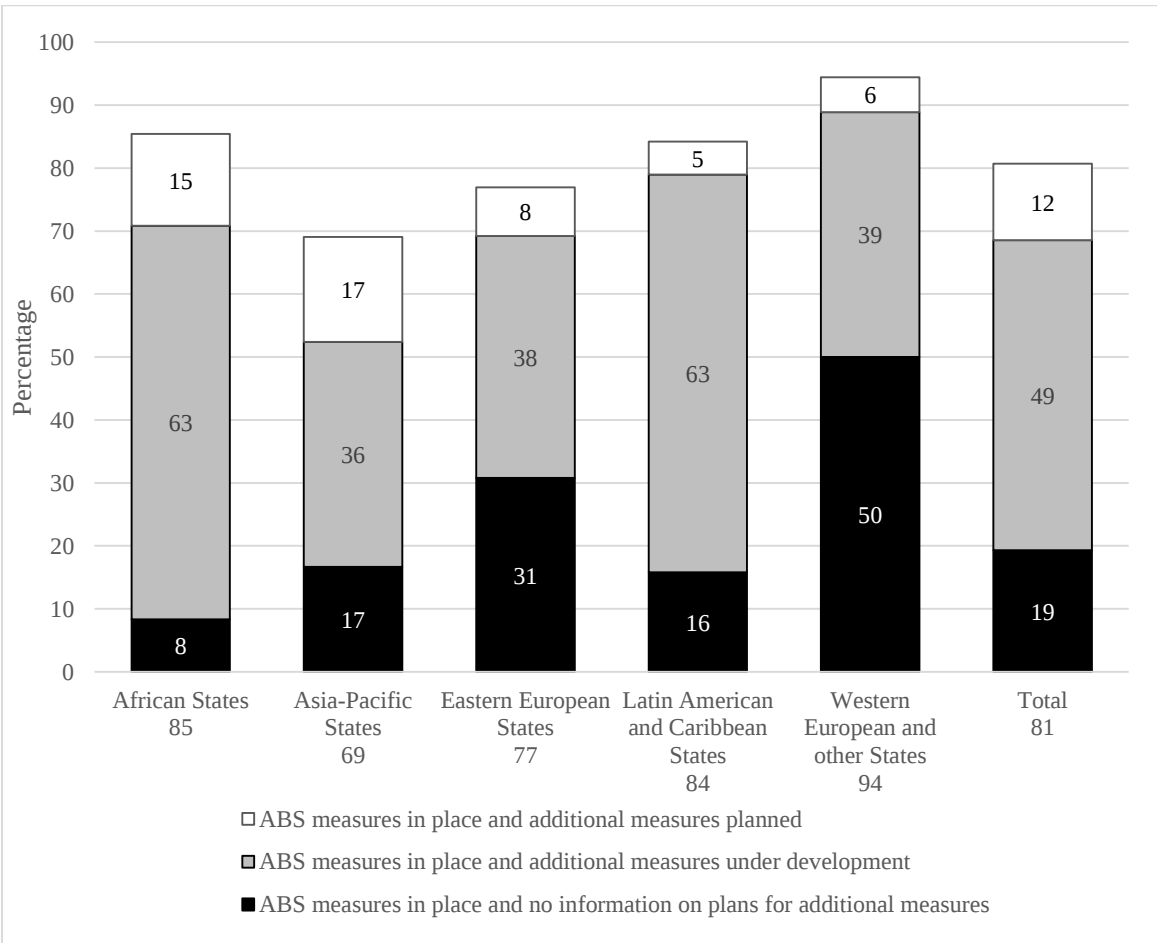
(a) Twenty-seven Parties (19 per cent) had measures in place, and there is no information indicating that they were planning to develop additional measures;

(b) Sixty-nine Parties (49 per cent) were in the process of revising existing ABS measures or developing new ones to implement the Protocol;

(c) Seventeen Parties (12 per cent) were planning to develop additional ABS measures.

7. At the regional level, the percentage of Parties to the Protocol with ABS measures in place was as follows: 85 per cent of African States; 69 per cent of Asia-Pacific States; 77 per cent of Eastern European States; 84 per cent of Latin American and Caribbean States; and 94 per cent of Western European and other States (see figure I).

Figure I
Percentage of Parties with access and benefit-sharing measures in place (14 December 2023)

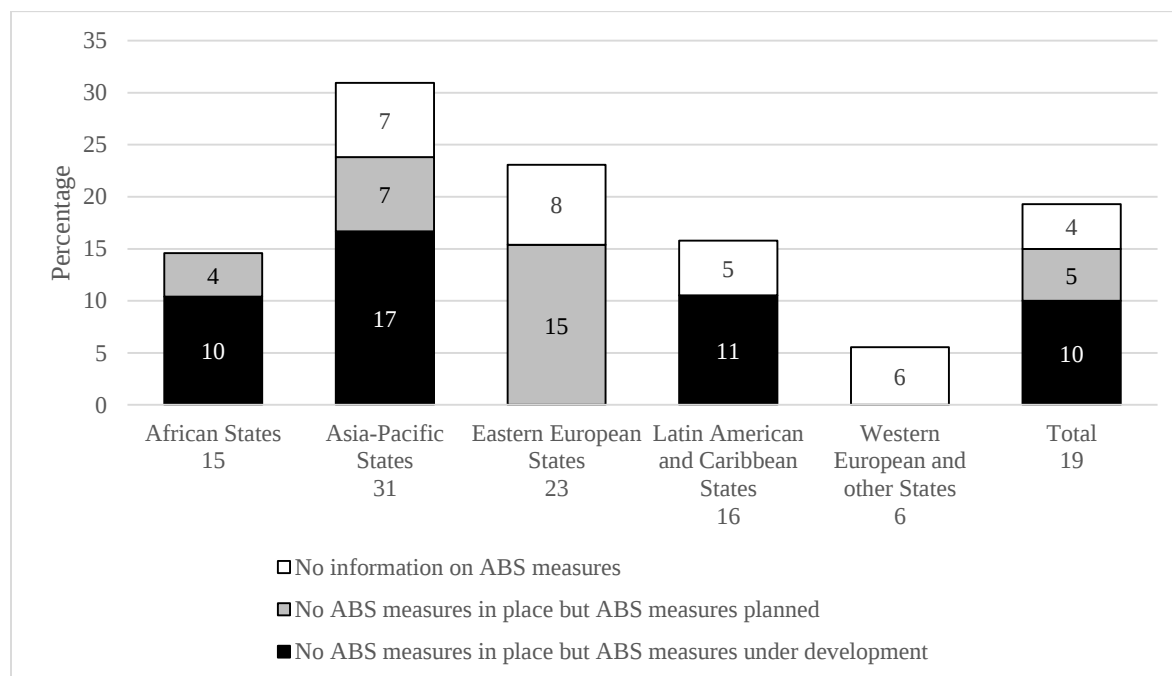


8. There were still 27 Parties that did not have any ABS measures in place, namely, 7 African States, 13 Asia-Pacific States, 3 Eastern European States, 3 Latin American and Caribbean States and 1 Western European and other State. Recent information showed that 14 of them were in the process

of developing measures, while 7 were planning to do so. As at 14 December 2023, there was no information regarding the remaining six Parties. A breakdown of those figures by region is provided in figure II.

Figure II

Percentage of Parties with no access and benefit-sharing measures in place (14 December 2023)



B. Institutional arrangements

9. Under Article 13 of the Protocol, Parties are required to designate a national focal point on ABS (para. 1) and one or more competent national authorities (para. 2). In addition, under paragraph 1 of Article 17, Parties are required to take measures to support compliance, including through the designation of one or more checkpoints.

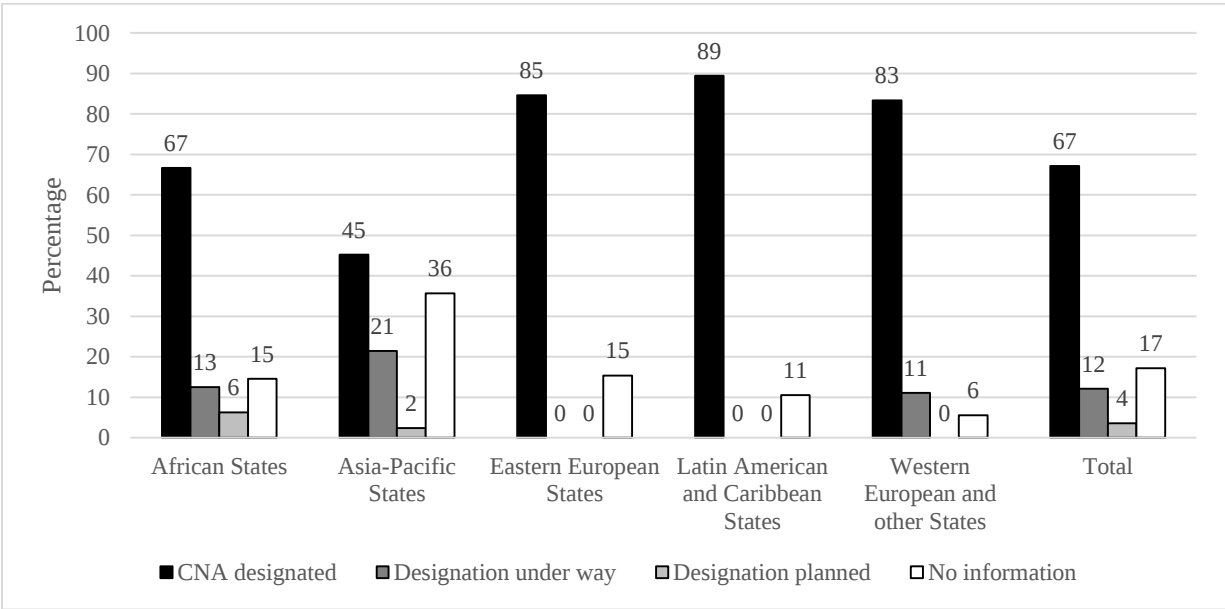
1. National focal points

10. As at 14 December 2023, a total number of 138 Parties (99 per cent) had designated a national focal point for ABS.

2. Competent national authorities

11. As at 14 December 2023, according to information available to the Secretariat, a total number of 94 Parties (67 per cent) had designated one or more competent national authorities (compared with 65 per cent in March 2020). In addition, 17 Parties were working towards the designation of one or more competent national authorities (12 per cent), while 5 (4 per cent) had indicated that they were planning to do so. The Secretariat had no information on progress towards designating one or more competent national authorities for the remaining 24 Parties (17 per cent). Regional disaggregation of the data is provided in figure III.

Figure III
Status of Parties with regard to the designation of one or more competent national authorities (14 December 2023)



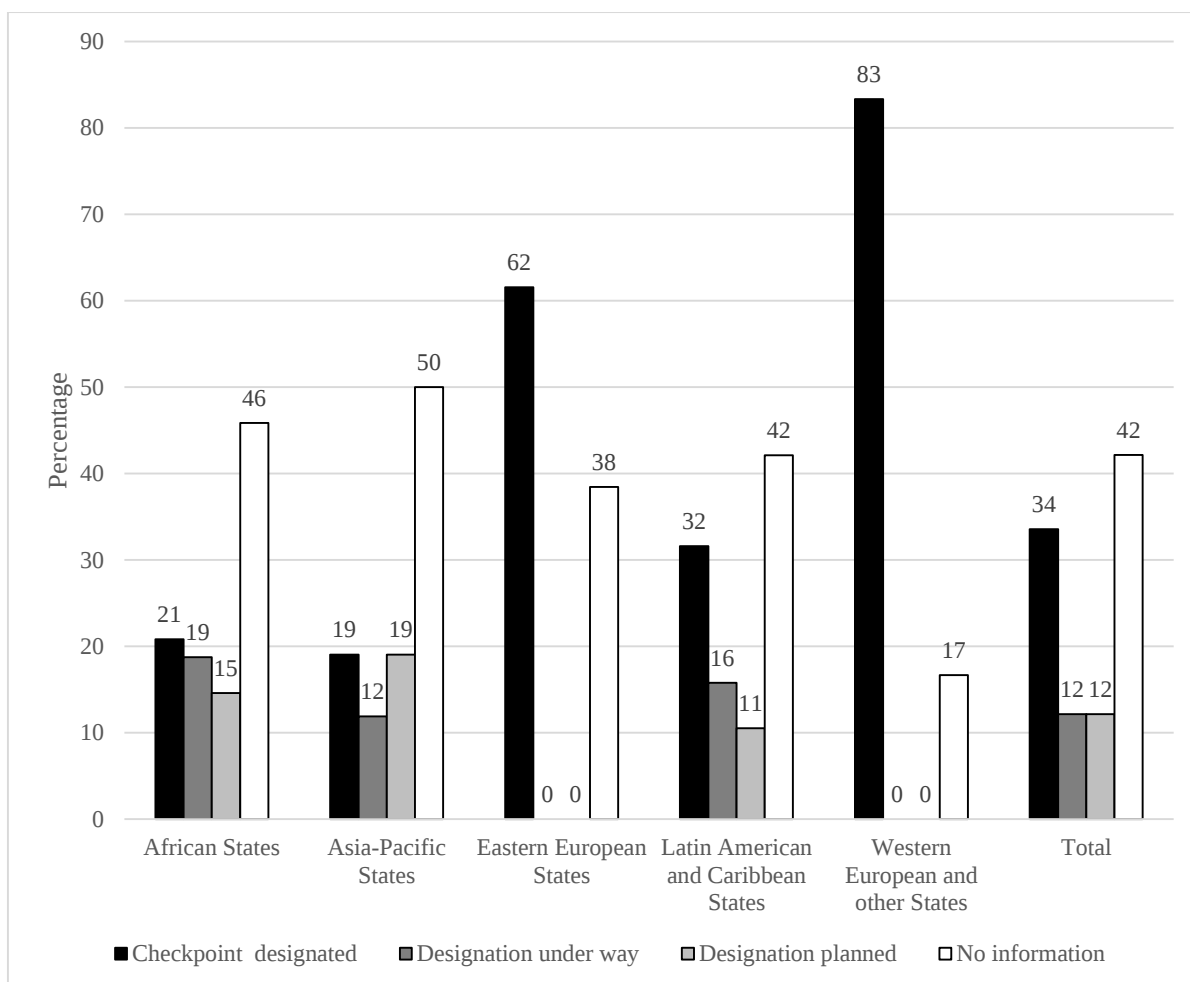
Abbreviation: competent national authority, CNA.

3. Checkpoints

12. As at 14 December 2023, a total number of 47 Parties (34 per cent) had designated one or more checkpoints (against 32 per cent in March 2020). In addition, 17 Parties were working towards the designation of one or more checkpoints, while 17 had indicated that they were planning to do so. The Secretariat had no information on progress towards designating one or more checkpoints for the remaining 59 Parties (42 per cent). Regional disaggregation of the data is provided in figure IV.

Figure IV

Status of Parties with regard to the designation of one or more checkpoints (14 December 2023)



III. Progress on the publication of information in the Access and Benefit-sharing Clearing-House

13. Article 14, paragraph 2, of the Protocol provides that, without prejudice to the protection of confidential information, each Party has to make available to the ABS Clearing-House any information required under the Protocol, as well as information required pursuant to the decisions taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol. The information must include:

- (a) Legislative, administrative and policy measures on ABS;
- (b) Information on the national focal point and competent national authority or authorities;
- (c) Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms.

14. Information on national focal points has not been included in the analysis of progress in publishing information in the ABS Clearing-House, as such information is not submitted through the Clearing-House but through official letters to the Secretariat. What has been considered, however, is

the publication of information on checkpoints and checkpoint communiqués,² as it is one of the key measures required under the Protocol to monitor and enhance transparency about the utilization of genetic resources and, therefore, to operationalize the Protocol.

15. The Conference of the Parties serving as the meeting of the Parties to the Protocol has urged Parties on several occasions³ to provide information on their national ABS procedures through the voluntary common format on procedures, as available in the ABS Clearing-House, as it can be a very useful tool to inform users of the steps to take for accessing genetic resources and associated traditional knowledge in the country concerned. Information on progress in the publication of such information is provided in the table below.

Number and percentage of national records published in the Access and Benefit-sharing Clearing-House and of publishing Parties as at 4 March 2020 and 14 December 2023

Type of information	Number of records published		Parties that had published records			
	March 2020	December 2023	March 2020		December 2023	
			Number	Percentage ^a	Number	Percentage ^b
Competent national authorities	112	139	64	52	73	52
ABS measures	236	270	60	49	70	50
Checkpoints	62	80	29	24	40	29
Internationally recognized certificates of compliance	1 211	4 996	21	17	27	19
Checkpoint communiqués	26	174	5	4	11	8
ABS procedures	7	27	6	5	21	15

^a Based on a total number of 123 Parties to the Protocol as at 4 March 2020.

^b Based on a total number of 140 Parties to the Protocol as at 14 December 2023.

16. With regard to the internationally recognized certificate of compliance, the number of records had increased from 1,211 in March 2020 to 4,996 in December 2023, whereas the number of Parties that were issuing certificates had only increased from 21 to 27 Parties over the same period. Most of the certificates (92 per cent) were published by five countries: India (3,496), France (738), Spain (187), Argentina (95) and Kenya (94). At the time of reporting, at least 23 Parties, of which 22 had never published any internationally recognized certificates of compliance to date, had permits that needed to be made available in the ABS Clearing-House.

17. The number of checkpoint communiqués published in the ABS Clearing-House increased from 26 in March 2020 to 174 in December 2023. At the time of reporting, such communiqués had been published by 11 Parties, of which 5, namely, Germany (75 checkpoint communiqués), France (44), the United Kingdom of Great Britain and Northern Ireland (16), Japan (14) and Denmark (6), were responsible for publishing 90 per cent of the total. In addition, 60 per cent (i.e. 105 of 174) of the published checkpoint communiqués did not reference any internationally recognized certificates of compliance.

18. As at 14 December 2023, a total number of 57 Parties (40 per cent) had not published ABS measures, competent national authorities, checkpoints or internationally recognized certificates of

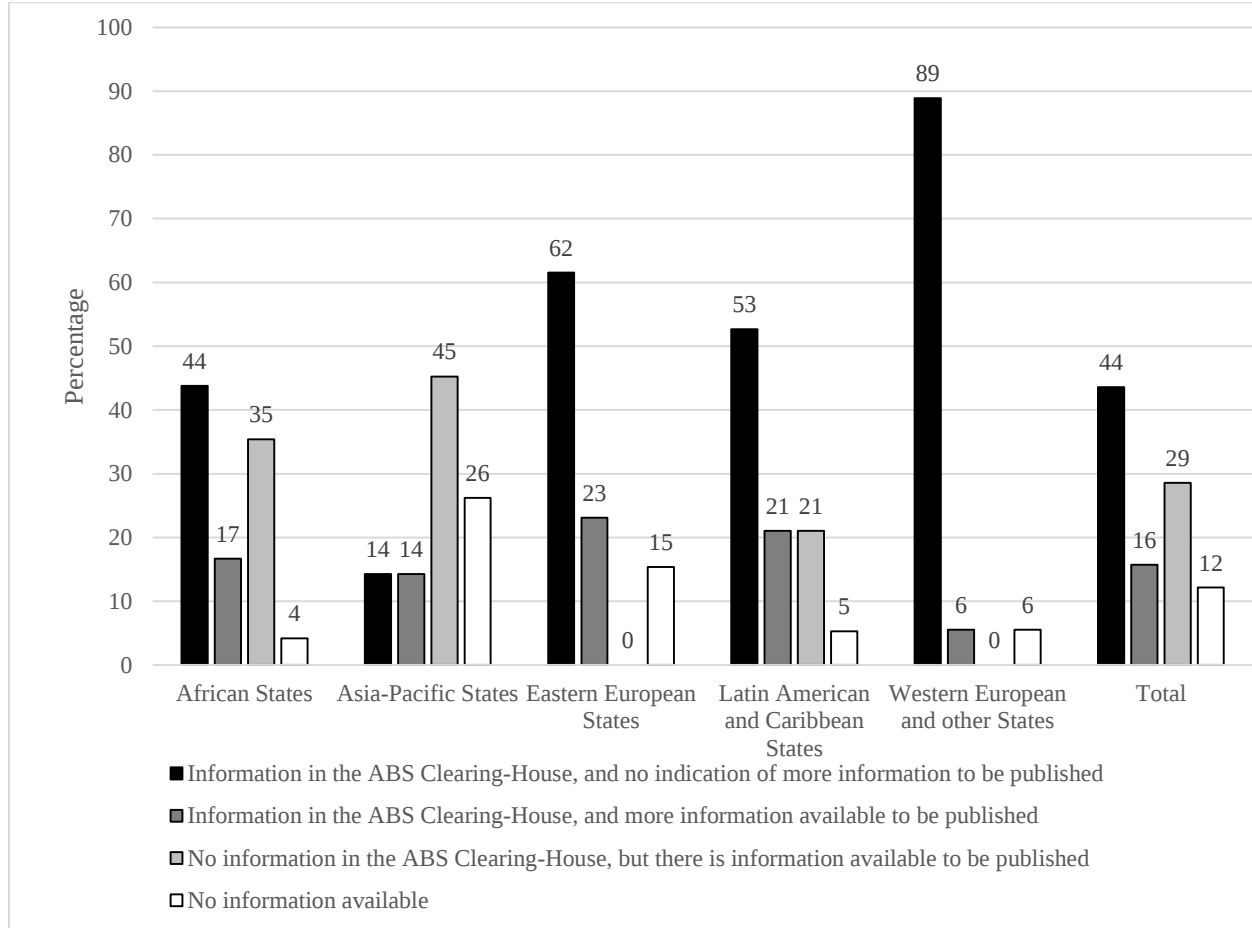
² Article 17, paragraph 1 (iii), of the Protocol provides that information collected at checkpoints, including from internationally recognized certificates of compliance where they are available, will, without prejudice to the protection of confidential information, be provided to relevant national authorities, to the Party providing prior informed consent and to the ABS Clearing-House, as appropriate.

³ Decision [NP-3/3](#), para. 4, and decision [NP-4/4](#), para. 4.

compliance in the ABS Clearing-House or checkpoint communiqués. Figure V provides more detail on various levels of progress in publishing information in the Clearing-House, by region.

Figure V

Status of Parties publishing information in the Access and Benefit-sharing Clearing-House (14 December 2023)



19. According to the information made available to the Secretariat, at the time of reporting:

- (a) Fifty-eight Parties (41 per cent) had published information in the ABS Clearing-House, and there was no indication that further relevant national information needed to be published;
- (b) Twenty-three Parties (16 per cent) had published some information in the ABS Clearing-House, but further information needed to be published;
- (c) Forty Parties (31 per cent) had not published information in the ABS Clearing-House but had national information that needed to be published;
- (d) No information was available for 17 Parties (12 per cent).

20. In conclusion, ABS measures, competent national authorities, checkpoints or permits or their equivalents had not yet been made available in the Clearing-House by 65 Parties.